

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PAUL IACOVACCI,

Plaintiff,

-against-

BREVET HOLDINGS, LLC, a Delaware
Limited Liability Company, *et al.*,

Defendants.

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18cv8048

ORDER


WILLIAM H. PAULEY III, Senior United States District Judge:

On August 4, 2020, this Court conducted a telephonic conference to resolve several disputes arising from the parties’ attempts to create a global discovery protocol. (See ECF Nos. 154, 155.) At that conference, when discussing Defendants’ proposed compromise for the “unsubscribe” search limiter, Plaintiff’s counsel asked this Court: “With respect to e-mails that are sent from an outside party to a Brevet e-mail address that includes somewhere along the chain the unsubscribe information, I just wanted to know if your Honor’s view is that those are not things that we should be accounting for?” (Tr. of Aug. 4, 2020 Teleconference (“Tr.”), at 21.) This Court replied: “No.” (Tr., at 21.)

Because the question was framed in the negative, this Court clarifies its response to Plaintiff’s counsel as follows: Those e-mails should be excluded on the first pass because of this Court’s reinstitution of the “unsubscribe” limiter. However, to the extent those e-mails are forwarded from a Brevet e-mail address or the personal e-mail address of one of the custodians named in the relevant sections of the protocol, they should be folded back into the document pool.

Dated: August 7, 2020
New York, New York

SO ORDERED:


WILLIAM H. PAULEY III
U.S.D.J.